

National Republican

W. J. MURTAGH, Proprietor.

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TUESDAY, FEBRUARY 20, 1877.

DAVID DUNLEY FIELD ought to paste "H" to "T" in his hat for a reminder.

AFTER a long and bitter struggle, HAYES has the turkey and TILDEN the buzzard.

THE disappointed Democracy now calls the Commission a great National Returning Board.

JACOB HIGGINS, right triumphs. Justice is secured, and HAYES passes victoriously into the White House.

THERE is a power in number eight of the High Courts, and number eight of the stars on the robes of justice for HAYES.

IT WILL BE 8 TO 7 all the way through unless JAMES FIELD and CLIFFORD are less patient than they have been. Let us have peace!

WINE men never whistle until they are out of the woods, still it is quite safe for the Republicans to work up a good "puke," as the way out seems to be clear.

AS SAMUEL J. TILDEN casts his eye along the roll-call of States it rests upon Oregon, and glares a forlorn hope expression, calculated to move to pity even an evildoer.

THE postoffice business is the faithful pulse of commercial life. Judging from the large increase in the size of the mails recently, it would appear that business prosperity is just beginning.

THE Democracy are in a tight box. They are hard up and in the hardness of their uppers the Commission down on them swooped, and in swooping upon them scooped, and yet they are unhappy.

MR. HENRY said that the Electoral Commission was "a child of mutual concessions," but when he found it born with wisdom teeth on its back, he denounced it as an illegitimate offspring unworthy the care or attention of the American people.

BLUE GLASS has become such a rage among the politicians here, that it is currently reported that DAVID DUNLEY FIELD has a pane in his stomach, and that Senator THURMAN has several in his head. The first is the result of colic, the second neuralgia.

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THE treacherous utterances of the editor of the Capital will be copied into every penny-aliner of the Democratic persuasion in the country, and may excite the blood-thirsty element of that treacherous party to preparations for "Wah." It may as well be understood now, however, and for all time, that any attempt on their part to carry into effect the nefarious suggestions of the Capital, or any breach of the public peace, will be summarily squelched—squashed as effectively as a rotten egg beneath the strokes of a steam trip-hammer.

A FEIBLE HOPE.

It is now known that the treacherous Democracy will take refuge in the text of section three thousand eight hundred and thirty-six of the Revised Statutes, maintaining as a last resort, that under its provisions the vote of Dr. WATTS, Republican elector of Oregon, will have to be thrown out, and that the election will thereby be thrown into the House, giving us Mr. TILDEN as President. That all may see how promising the prospect is for them, we quote the section and give the facts touching the resignation. The law reads thus:

"Whenever the office of any postmaster becomes vacant the Postmaster-General or the President shall supply such vacancy without delay, and the Postmaster-General shall promptly notify the Sixth Auditor of the change; and every postmaster and his sureties shall be responsible under their bond for the safe-keeping of the public property of the postoffice and the performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster-General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster-General; and the Postmaster-General may, when the exigencies of the service require, place such office in charge of a special agent until the vacancy can be regularly filled; and when such special agent shall have taken charge of such postoffice, the liabilities of the sureties of the postmaster shall cease."

When his ineptitude became known, Dr. WATTS resigned his office as postmaster, his resignation was accepted by telegraph, he was relieved from duty, and the office was turned over to the charge of a special agent, as provided above.

Now, as his successor was not appointed and qualified at the time he performed the function of an elector, it is contended that he was still postmaster, and consequently disqualified, and that his vote was void. The clause providing that the postmaster shall remain such until his successor is appointed, is held to be a controlling provision, and it is urged that the placing the office in the charge of an agent did not relieve him from his position, and could not, as by the terms of the statute it only has the effect to discharge the sureties. And that this was its full effect, it is contended, is plain, because the language of the statute still refers to him as postmaster after the special agent has taken charge and the sureties have been discharged. But the better opinion is that this is a fallacy, and that the use of the word postmaster, in the last line of the statute cited, is merely to denote the bond discharged, and is not by any reasonable construction a recognition of the continuing existence of the relation of postmaster.

A recent decision of the United States Supreme Court is cited, wherein it was held that a supervisor of a township, although he had resigned, still held the office for the purpose of performing its duties until his successor was appointed and qualified; and in that case a mandamus was issued to compel him to perform a certain duty. But we apprehend the view will be taken that the cases are not analogous, and that the question of the right to remove a supervisor will dispose of the present one in favor of the elector. The writ was directed in the case of the supervisor because the terms of the law of the State had been complied with, and there was no one to execute the office. But here the exigency contemplated by the statute existed, and the Postmaster-General had turned the duties of the office over to a special agent, who thereupon became chargeable with their performance. Hence a writ of mandamus would not lie to compel Dr. WATTS to do any act required of a postmaster; and if the writ would not issue in such a case there was no longer any relation of the person to the office—no incumbency. Beside, when the vacancy was temporarily filled, it was the same as if permanently done, and the discharge of the sureties operated to discharge the postmaster.

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THE NATIONAL REPUBLICAN, TUESDAY MORNING, FEBRUARY 20, 1877.

FOURTY-FOURTH CONGRESS.

SECOND SESSION.

SENATE.
MONDAY, FEBRUARY 19, 1877.

The Senate met at 10 o'clock, with Messrs. COCKERILL, WITHERS, CANNON, of WIS., and McCLIMM, present.

MR. WITHERS inquired if it would be in order to take further recess until 11 o'clock, the hour for meeting the House.

THE CHAIR replied that it would not. The Senate could take but one recess, and it did that.

MR. WITHERS. Is that your construction of the law?

THE CHAIR. Yes, sir.

MR. WITHERS—If I could not appeal from your decision, I think I probably could overrule you.

At 10:15 the CHAIR announced that the House, having notified the Senate that it would receive the Senate bill, the Senate would now proceed to the hall of the House.

The Senate then formed in procession, preceded by the Sergeant-at-Arms, two special policemen, Captain Bassett, with the two mahogany boxes containing the returns, and two more special policemen, and proceeded to the hall of the House.

At 10:35 the Senate returned to the Senate Chamber in the same order in which it left.

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THE COURTS.

FINANCE AND COMMERCE.

A SUIT OVER AN INSURANCE COMPANY.

Gen. A. Grant claims a Victory Over the Insurance Company—Boulder Mountain.

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